

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re :
Chapter 11
WOODWORKERS WAREHOUSE, INC., :
Case No. 03-13655 (JBR)
Debtor. :

Related to Docket Entry # 188

**THE ACTING UNITED STATES TRUSTEE'S DESIGNATION OF ITEMS
TO BE INCLUDED IN THE RECORD ON APPEAL AND
STATEMENT OF THE ISSUE TO BE PRESENTED**

Pursuant to Federal Rule of Bankruptcy Procedure 8006, Roberta A. DeAngelis, Acting United States Trustee for Region 3 ("UST"), by and through her counsel, submits the following:

A. Designation of Items to Be Included in the Record on Appeal (Note: Number in parentheses is the number assigned to the item on the bankruptcy court's docket).

1. Chapter 11 petition (1)
2. Application to employ Kronish Lieb as counsel to the debtor and debtor in possession under 11 U.S.C. § 327(a) (5)
3. Application to employ The Bayard Firm as counsel to the debtor and debtor in possession under 11 U.S.C. § 327(a) (6)
4. Debtor's motion to approve bidding procedures for sale of inventory and other related relief (13)
5. Debtor's motion for interim and final orders authorizing the use of cash collateral (14)
6. Affidavit of Rick Welker in support of chapter 11 petition and "first day" motions (15)
7. Notice of filing of chapter 11 case and hearing on "first day" pleadings (17)
8. Motion for order authorizing retention payments to key employees (18)
9. Order approving interim use of cash collateral (24)

10. Order approving bidding procedures for sale of inventory and other related relief (25)
11. Notice of agenda for hearing scheduled for 12/5/03 at 10:00 A.M. (32)
12. Court sign-in sheet for 12/3/03 hearing (34)
13. Proposed, revised sale order for sale of inventory (39)
14. Proposed, revised agency agreement for sale of inventory (41)
15. Order approving sale of inventory (48)
16. Second interim order authorizing use of cash collateral (49)
17. Notice of final cash collateral hearing (56)
18. Application to employ Robinson & Cole as special labor counsel (57)
19. Notice of hearing on retention payments motion (59)
20. UST's objection to the Debtor's application to employ Kronish Lieb under 11 U.S.C. § 327(a) (84)
21. Debtor's motion for an order rejecting certain executory contracts pursuant to 11 U.S.C. § 365(a) (86)
22. Debtor's response to UST's objection to application to employ Kronish Lieb (94)
23. Amended notice of agenda for matters scheduled for 12/29/03 @ 11:00 A.M.
24. Order authorizing Debtor to employ Robinson & Cole as special labor counsel (112)
25. Third interim order authorizing use of cash collateral (116)
26. Order authorizing Debtor to employ The Bayard Firm (123)
27. Order denying Debtor's application to employ Kronish Lieb (118)
28. Notice of final cash collateral hearing (125)
29. Debtor's application to employ Kronish Lieb as special counsel under 11 U.S.C. § 327(e) (130)

30. Motion to shorten notice with respect to Debtor's application to employ Kronish Lieb as special counsel (131)
31. UST's objection to the Debtor's application to employ Kronish Lieb as special counsel (132)
32. Order approving motion to shorten notice with respect to Debtor's application to employ Kronish Lieb (144)
33. Debtor's motion to approve sale of certain unexpired leases/personal property, to approve bidding procedures in connection with the sale, and for related relief (142)
34. Amended notice of agenda of items scheduled for 1/8/04 @ 1:00 P.M. (143)
35. Debtor's response to UST's objection to application to employ Kronish Lieb as special counsel (146)
36. Memorandum of decision on application to employ Kronish Lieb as counsel to debtor and debtor in possession under 11 U.S.C. § 327(a) (147)
37. Proposed order re: motion to authorize retention payments (148)
38. Order establishing bidding procedures with respect to assumption/assignment of certain unexpired leases and personal property (153)
39. Order authorizing the rejection of certain contracts (156)
40. Order authorizing retention payments to key employees (157)
41. Certification of counsel re: Debtor's application to employ Kronish Lieb as special counsel (152)
42. Order granting Debtor's application to employ Kronish Lieb as special counsel (160)
43. Supplemental notice of sale and cure amounts related to Debtor's motion to sell certain unexpired leases/personal property (161)
44. Notice of sale and cure amounts related to Debtor's motion to sell certain unexpired leases/personal property (166)
45. Debtor's supplemental motion to sell certain unexpired leases/personal property (171)

46. Amended notice of agenda for hearing on 1/27/04 @ 10:30 A.M. (183)
47. UST's notice of appeal from order approving employment of Kronish Lieb as special counsel (188)
48. Supplemental certificate of service related to notice of appeal (190)
49. Transcript of hearing held on 12/3/03 (TBD)
50. Transcript of hearing held on 12/29/03 (TBD)
51. Transcript of hearing held on 1/8/04 (TBD)
52. Transcript of hearing held on 1/27/04 (TBD)

B. Statement of the Issue to Be Presented

In approving the Debtor's application to employ Kronish Lieb Weiner & Hellman LLP ("KronishLieb") as special counsel, did the bankruptcy court err in concluding that the scope of Kronish Lieb's representation did not include matters which constitute "represent[ing] the trustee [i.e., the debtor in possession] in conducting the case" within the meaning of 11 U.S.C. § 327(e)?

Respectfully submitted,

ROBERTA A. DeANGELIS
ACTING UNITED STATES TRUSTEE

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